

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
 :
-against- :
 :
PERRY WELLS, :
 :
 :
Defendant. :
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 04/29/2020

19-CR-212-2 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

WHEREAS on April 7, 2020, Mr. Perry Wells moved for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(a), citing his asthma and hypertension and his designation by the Bureau of Prisons as a “high risk” detainee given the COVID-19 pandemic, Dkt. 186;

WHEREAS the Government opposes compassionate release on grounds of lack of exhaustion and on the merits, Dkt. 194;

WHEREAS the exhaustion requirement no longer applies because more than 30 days have elapsed since Mr. Wells initially requested relief from the Bureau of Prisons on March 27, 2020, Dkt. 186-2, *see* 18 U.S.C. § 3582(c)(1)(a); and

WHEREAS Mr. Wells appears to be a strong candidate to be granted furlough by the Bureau of Prisons (“BOP”): he was released pretrial and was remanded only because it was mandatory in light of his guilty plea, *see* Dkt. 125 at 21–22, he complied with all conditions of pretrial release, and there was no violence associated with his participation in the offense of conviction;

WHEREAS broader use of the BOP’s furlough authority would relieve some of the current pressure on BOP, its corrections officers, and its medical staff, by releasing from its

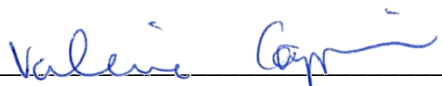
facilities prisoners who do not pose a threat to the community but who are at elevated risk to COVID-19; and

WHEREAS increased use of BOP's furlough power for prisoners like Mr. Wells, who have been sentenced and are awaiting transport to their designated facilities, would be particularly valuable to BOP and the prisoner if combined with a direction that, at the end of the furlough period, the prisoner must surrender to his designated facility, thus reducing the population of facilities like the Metropolitan Detention Center that are not primarily intended to hold sentenced prisoners;

IT IS HEREBY ORDERED THAT Mr. Wells' compassionate release motion is held in abeyance pending the submission by Mr. Wells of a furlough request to the BOP. If Mr. Wells chooses to request release on furlough, he is authorized to inform the Bureau of Prisons that his request comes with the strong recommendation of this Court. No later than **May 14, 2020**, the Government must inform the Court whether Mr. Wells made a furlough request and, if so, when BOP will act on the request.

SO ORDERED.

Date: April 29, 2020
New York, NY



VALERIE CAPRONI
United States District Judge